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**BY OVERNIGHT & ELECTRONIC MAIL**

Leslie Patterson  
Remedial Project Manager  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (SR-6J)  
Chicago, Illinois 60604-2590

**Re: Response of Ohio Bell Telephone Company to EPA's January 16, 2015  
Special Notice Letter for the South Dayton Dump & Landfill Site**

Dear Ms. Patterson:

This letter is the response of Ohio Bell Telephone Company ("Ohio Bell," or the "Company") to EPA's January 16, 2015 Special Notice Letter concerning the South Dayton Dump and Landfill Site (the "Site") in Moraine, Ohio. The letter originally indicated that the Company was "encouraged to contact EPA by January 30, 2015" to respond. In a February 23, 2015 e-mail and a subsequent e-mail from EPA attorney Tom Nash to James Slaughter, Ohio Bell's outside counsel, EPA extended the Company's deadline to respond through April 20, 2015.

The Special Notice Letter invited Ohio Bell to participate in negotiations concerning the performance of future remedial activities at the Site. The letter also claimed that the Company is potentially liable under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 because Ohio Bell is among those entities "that contributed hazardous substances to the Site."

Ohio Bell does not believe that sufficient information exists to link the Company to the Site, and it therefore declines EPA's invitation to participate in negotiations. In multiple lawsuits, relating both to the Site and the North Dayton Dump and Landfill, the plaintiffs involved have conducted vigorous investigations into whether Ohio Bell disposed of hazardous substances. Even after these thorough inquiries, only one witness – Edward Grillot – could recall Ohio Bell dropping off materials at the site, a recollection that conflicts with the testimony of many other witnesses. These witnesses could not recall Ohio Bell *ever* dropping off materials at the Site. In addition, Ohio Bell has conducted its own extensive inquiries into whether it has any potential nexus to the site, both in response to discovery in *Hobart Corp., et al. v. Dayton Power & Light Co., et al.*, No. 3:13-cv-115 (S.D. Ohio) and to the section 104(e) request for information that EPA enclosed with the Special Notice Letter. After undertaking these investigations, Ohio Bell has not identified information that would link the Company to the Site.



Even if Mr. Grillot's recollections are correct, they do not support the conclusion that there is a nexus between Ohio Bell and the Site. Mr. Grillot could recall only that about once a month sometime in the 1960s Ohio Bell vans would drop off old telephones, plastic covers off of phones, metal inner parts from phones, plastic wire sleeves, metal rods, wire, and spools. Mr. Grillot did not aver that these materials were hazardous substances or released hazardous substances to the Site. Mr. Grillot's testimony also stressed that efforts were made to recover and recycle materials that, like those purportedly dropped off by Ohio Bell, could be salvaged. Other materials that Ohio Bell might have sent to the Site, according to Mr. Grillot, may have been burned.

In the absence of information showing that Ohio Bell disposed of hazardous substances at the Site, the Company will not be participating in negotiations with EPA. Consistent with Company policy and history, Ohio Bell would cooperate with EPA if the agency can establish the Company's liability for response costs at the Site. If the agency identifies additional information that potentially shows Ohio Bell has a nexus to the Site, please contact James B. Slaughter, Ohio Bell's outside counsel, at 202-789-6040 or [jslaughter@bdlaw.com](mailto:jslaughter@bdlaw.com).

Sincerely,

A handwritten signature in black ink, appearing to read "P Shorb", written over a light blue horizontal line.

Paul Shorb